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[0040561-0050]

¹¹⁷
~~165.~~ The kit as recited in claim ¹¹¹~~159~~, wherein said support comprises a surface which is selectively derivatized to comprise one or more specific binding components.

¹¹⁸
~~166.~~ The kit as recited in claim ¹¹⁷~~165~~, wherein said surface comprises a self-assembling monolayer.

¹¹⁹
~~167.~~ The kit as recited in claim ¹¹⁷~~165~~, wherein said surface is a matrix selected from the group consisting of a conductor, a metal electrode, a conducting polymer film, an insulator, a semi-conductor, an ionic conductor, and a porous material. —

REMARKS

Reconsideration and withdrawal of the rejection of this application are respectfully requested.

By this Amendment, claims 159-167 have been added to further define the present invention. The new claims are incorporated from copending Application Serial No. 08/814,085. No new matter has been added.

Submitted herewith is an Authorization to Charge our Deposit Account No. 50-0297 in the amount of \$223.00 in payment of the \$55.00 fee for recordation of a terminal disclaimer and the \$168.00 fee for the ten additional claims in excess of twenty and two additional independent claims in excess of three. No additional fee is believed necessary for entry and consideration of this amendment. However, the Commissioner is hereby authorized to charge any additional fees for consideration of this Amendment and entry of the claims herewith, or credit any overpayment in such fees to Deposit Account No. 50-0297.

Applicants would like to thank Examiner Chin for the courtesies extended to the undersigned during telephone conferences on June 22, 1999 and July 1, 1999.

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Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-104 of copending U.S. Application Serial No. 08/470,089 to Wohlstadter ("Wohlstadter '089 application").

Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 40-153 of copending U.S. Application Serial No. 08/470,874 to Wohlstadter ("Wohlstadter '874 application").

Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 80 of copending U.S. Application Serial No. 08/471,050 to Wohlstadter ("Wohlstadter '050 application").

Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 32, 34 and 40-98 of copending U.S. Application Serial No. 08/402,277 to Wohlstadter ("Wohlstadter '277 application").

Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-9, 11-36 and 39-51 of copending U.S. Application Serial No. 08/479,425 to Wohlstadter ("Wohlstadter '425 application").

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Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 37 and 40-112 of copending U.S. Application Serial No. 08/472,021 to Wohlstadter ("Wohlstadter '021 application").

Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 70 and 71 of copending U.S. Application Serial No. 08/402,076 to Wohlstadter ("Wohlstadter '076 application").

Each of the above-described rejections will be addressed collectively.

In order to obviate the above-described rejections and to expedite allowance of the present application, Applicants hereby to submit a terminal disclaimer over each of the above-referenced copending applications without admitting obviousness over the cited copending applications. (see, Quad Environmental Technologies v. Union Sanitary District, 20 U.S.P.Q. 2d 1392, 1394-5 (Fed.Cir. 1991)).

Accordingly, Applicants respectfully request that these obviousness-type double patenting rejections be withdrawn with respect to the above-identified copending applications.

Claims 61-63 and 151-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 2-6 and 15-18 of copending U.S. Application Serial No. 08/814,085 to Wohlstadter ("Wohlstadter '085 application").

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Applicants respectfully submit that claims 2-6 and 15-18 have been cancelled from the copending Wohlstadter '085 application. Therefore, Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 4 and 30-83 of copending U.S. Application Serial No. 08/814,141 to Wohlstadter ("Wohlstadter '141 application").

Applicants respectfully submit that each of the presently pending claims relate to an "apparatus", "system" or "kit". In contrast, each of claims 4 and 30-83 of the Wohlstadter '141 application relate to cassettes. Thus, the present claims are distinct from the claims of copending Wohlstadter '141 application. However, in order to further the prosecution of the present application, Applicants hereby submit a terminal disclaimer over the Wohlstadter '141 application. Therefore, Applicants respectfully request that this obviousness-type double patenting rejection be withdrawn.

Claims 61-63 and 151-158 are objected to as allegedly being in "conflict" with claims 2-6 and 15-18 of copending U.S. Application Serial No. 08/814,085 to Wohlstadter ("Wohlstadter '085 application").

Applicants respectfully submit that claims 2-6 and 15-18 have been cancelled from the copending Wohlstadter '085 application and inserted as new claims 159-167 in the present application. Therefore, Applicants respectfully request that this objection be withdrawn.

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Claims 1, 2, 5-9, 11, 17-25, 27-30, 32, 35-37, 46, 47, 61-63, 78 and 80-158 are objected to as allegedly being in "conflict" with claims 4 and 30-83 of copending U.S. Application Serial No. 08/814,141 to Wohlstadter ("Wohlstadter '141 application").

In the Office Action, the Examiner requests that Applicant "either cancel the conflicting claims from all but one application or **maintain a clear line of demarcation between the application**" (Office Action mailed June 22, 1999, page 6, emphasis added). Applicants submit that it is unclear what is meant by the term "conflicting claims". It is clearly proper for claims in different applications to overlap with one another (e.g., improvement patents or applications requiring terminal disclaimers). Applicants respectfully submit that each of the presently pending claims relate to an "apparatus", "system" or "kit". In contrast, each of claims 4 and 30-83 of the Wohlstadter '141 application relate to "cassettes". Applicants submit that one of ordinary skill in the art would recognize a "clear line of demarcation" between the present pending claims and those of the copending Wohlstadter '141 application. In fact, although subsequently withdrawn, the Office Action mailed April 29, 1997 originally set forth a restriction requirement which restricted the subject matter of the claims of the present application from cassette claims similar to the claims of the copending Wohlstadter '141 application. Thus, in the first Office Action, the line between the claims was sufficiently clear to provide for the separate grouping of the claims. Accordingly, Applicants respectfully request that this objection be withdrawn, particularly in view of the filing of a terminal disclaimer with respect to the Wohlstadter '141 application.



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Applicants submit that the instant application is in condition for allowance, the early notification of which is respectfully requested.

Applicants respectfully request that the Examiner acknowledge the Information Disclosure Statements submitted February 19, 1999 and May 27, 1998 and return an initialed copy of the forms PTO-1449 ("List of References Cited by Applicant") to Applicants' attorneys.

Additionally, if the Examiner believes that there are any issues still pending which present an impediment to allowance, it is respectfully requested that the undersigned be contacted by telephone to conduct a telephone interview.

Respectfully submitted,

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